

EXHIBIT 1

VARIATIONS IN STATE CONSUMER PROTECTION ACTS: DEFENDANTS' 43 JURISDICTION SURVEY

STATE/LEGAL AUTHORITY	PRIVATE ACTION ALLOWED?	CLASS ACTION ALLOWED?	CONSUMER REQUIREMENT?	STATUTE OF LIMITATIONS	CAUSATION & INJURY?	RELIANCE?	SCIENTER & LEVEL OF INTENT	DAMAGES
ARIZONA	Yes.	Unclear	No.	1 year	Yes.	Unclear.	Yes.	Compensatory damages. No multiplier.

Consumer Fraud
Ariz. Rev. Stat. Ann. §§ 44-1521 to -1534 (2008).

Statute does not list unlawful acts but rather provides that:

The "act, use or employment by any person of any deception, deceptive act or practice, fraud . . . misrepresentation, or concealment, suppression or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise whether or not any person has in fact been misled, deceived or damaged" is an "unlawful practice" under the act.

Sellinger v. Freeway Mobile Home Sales, Inc., 521 P.2d 1119, 1122 (Ariz. 1974).

Hansch v. Allstate Ins. Co., 5 P.3d 940, 944 (Ariz. Ct. App. 2000).

Douglas v. Governing Bd. of Window Rock Consol. School Dist. No. 8, 78 P.3d 1065 (Ariz. Ct. App. 2003) (citing Sellinger, 521 P.2d at 1121).

Sellinger, 521 P.2d at 1121.

Any "person" may be a victim of the deceptive act, but where there is an implied private action, there may be a right for a class action.

Waste Mfg. & Leasing Corp. v. Hambricki, 900 P.2d 1220, 1223 (Ariz. Ct. App. 1995).

Alafase v. Nat'l Inv. Co., 892 P.2d 1375, 1380 (Ariz. Ct. App. 1994).

Murry v. W. Am. Mortgage Co., 604 P.2d 651, 654 (Ariz. Ct. App. 1979).

There have been no class actions for consumer fraud yet, but where there is an implied private action, there may be a right for a class action.

Action brought under statute must be commenced within 1 year "after the cause of action accrues."

"Damage is an element of the cause of action."

Proximate causation required.

Holderman v. Neils, 803 F. Supp. 237, 242 (D. Ariz. 1992).

Aaron v. Fromkin, 994 P.2d 1039, 1043 (Ariz. Ct. App. 2000).

Flagstaff Med. Ctr. Inc. v. Sullivan, 773 F. Supp. 1325, 1361-62 (D. Ariz. 1991), *aff'd in part, rev'd in part on other grounds*, 962 F.2d 879 (9th Cir. 1992).

Holderman, 803 F. Supp. at 242; see also Kuehn v. Stanley, 91 P.3d 346, 352 (Ariz. Ct. App. 2004) (holding that reliance was required).

Case law indicates that the discovery rule applies and action does not accrue until plaintiff discovers or reasonably should have discovered the wrongful act.

Ariz. Rev. Stat. Ann. § 44-1522(A).

Wrongful concealment must be with "intent that others rely."

§ 44-1522(A).

Do not need to show intent to deceive; only intent that other party relied.

But "Damage or injury occurs when the consumer relies on the misrepresentation even though the reliance is not reasonable."

1361-62 (D. Ariz. 1991), *aff'd in part, rev'd in part on other grounds*, 962 F.2d 879 (9th Cir. 1992).

Id.

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ARKANSAS	Yes. Deceptive Trade Practices Ark. Code Ann. § 4-88-113(f). §§ 4-88-101 to -115, 4-88-201 to -207 (West 2008).	Yes. Lenders Title Co. v. Chandler, 186 S.W.3d 695 (Ark. 2004) (affirming class certification based on deceptive trade practices claims).	No. Any "person" actually injured may bring action. Ark. Code Ann. § 4-88-113(f).	5 years Action may be brought 5 years from the date of the violation or from the "date upon which the cause of action arises."	Yes. Right of action requires "actual damage or injury" incurred "as a result of" a violation of the acl.	No law.	Prohibits "knowingly" making false representations of "benefits" of product. Ark. Code Ann. § 4-88-107(a)(1). <i>Jd.</i>	Compensatory damages. No multiplier. Ark. Code Ann. § 4-88-113(f). Reasonable attorney fees allowed.

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CALIFORNIA Consumers Legal Remedies Act, Cal. Civ. Code §§ 1750-84 (West 2008). Statute lists prohibited "unlawful practices" which include, inter alia: - misrepresenting standard or quality of goods; or - making false or misleading statements concerning price reductions; or - "Inserting an unconscionable provision in the contract." Cal. Civ. Code § 1770(a).	Yes with a pre-suit demand requirement Requires pre-suit notice and opportunity to cure. Cal. Civ. Code § 1782.	Yes. Cal. Civ. Code §§ 1780, 1781. Cal. Civ. Code §§ 1780-82.	Must be a "consumer" defined as individual who seeks or acquires by purchase or lease any goods or services for personal, family, or household purposes.	3 years Any action brought under the statute "shall be commenced not more than three years from the date of the commission of such method, act, or practice."	Yes. Damages must be "as result of" the unlawful practice. Cal. Civ. Code § 1780(a). "Causation [is] a necessary element of proof." Wilens v. TD Waterhouse Group, Inc., 15 Cal. Rptr. 3d 271, 276 (Cal. Ct. App. 2003)	No. Bristow v. Lycoming Engines, No. CIV. S-06-1947 LCK/GGH, 2007 WL 1106098, at *7 (E.D. Cal. Apr. 10, 2007).	Violation must be intentional and occurred despite bona fide procedures to prevent it from occurring. Cal. Civ. Code § 1784.	Actual damages but not less than \$1,000 in a class action. No multiplier. Cal. Civ. Code § 1780(a). Punitive damages allowed upon showing of "malice" or "oppression." Cal. Civ. Code § 1780(a)(4). Brockey v. Moore, 131 Cal. Rptr. 2d 746, 749 (Cal. Ct. App. 2003). Mandatory reasonable attorney fees to prevailing plaintiff. See Hayward v. Ventura Volvo, 133 Cal. Rptr. 2d 514, 516 (Cal. Ct. App. 2003). Cal. Civ. Code § 1780(d). Authorizes up to \$5,000 more in damages for elderly and disabled persons. Cal. Civ. Code § 1780(b).

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CALIFORNIA (cont'd)	Yes.	Cal. Bus. & Prof. Code § 17203.	Cal. Bus. & Prof. Code § 17204.	4 years	Yes.	Yes.	Plaintiff must show that "members of the public are likely to be deceived [where allegations] of actual deception, reasonable reliance, and damage are unnecessary."	Damages not permitted, only equitable relief may be obtained.
Unfair Competition		Cal. Bus. & Prof. Code § 17200-17210 (West 2008).	Californians for Disability Rights v. Mervyn's, LLC, 138 P.3d 207, 209 (Cal. 2006). Statute does not list acts but rather provides that: "Unfair Competition" is the dissemination of any unlawful, unfair, or fraudulent business act, practice, or deceptive or misleading advertising as well as dissemination to the public of any statement concerning goods or services "which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading."	Action must be brought within 4 years "after the cause of action accrued."	Californians for Disability Rights, 138 P.3d at 209; Cal. Bus. & Prof. Code § 17204.	O'Brien v. Camusaca Auto Mfg., Inc., 73 Cal. Rptr. 3d 911, 922 (Cal. Ct. App. 2008).	Reliance required.	Cal. Bus. & Prof. Code § 17203.
			Kasky v. Nike, Inc., 119 Cal. Rptr. 2d 295, 303 (2002).	Cal. Bus. & Prof. Code § 17208.	The case law is in conflict as to whether the discovery rule then applies to § 17200 actions.	Karl Storz Endoscopy Am., Inc. v. Surgical Techs., Inc., 245 F.3d 848, 857 (9th Cir. 2002) (cause of action accrues on the date it occurred, not date of discovery). But see Mass. Mut. Life Ins. Co., 119 Cal. Rptr. 3d at 199 (Discovery Rule applies to consumer protection claims).	Indus. Indem. Co. v. Super. Ct., 257 Cal. Rptr. 655, 656-57 (Cal. Ct. App. 1989).	Brown v. Allstate Ins. Co., 17 F. Supp. 2d 1134, 40 (S.D. Cal. 1998). <i>Superseded by statute Cal. Bus. & Prof. Code § 17204, as recognized in California's for Disability Rights, 138 P.3d at 209.</i>
				Cal. Bus. & Prof. Code §§ 17200, 17500.			Medimatch, Inc. v. Lucent Techs., Inc., 120 F. Supp. 2d 842, 861 (N.D. Cal. 2000); see Burger v. Kumelis, 325 F. Supp. 2d 1026, 1046 (N.D. Cal. 2004).	

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COLORADO	Yes.	Colorado Rev. Stat. Ann. § 6-1-113(1)(a).	"Any person" who has been injured has standing to bring action but he must show that deceptive act significantly impacts actual or potential consumers at large.	3 years	Requires "that the challenged practice caused the plaintiff's injury."	Yes.	Required level of intent depends on the specific allegation of violation. Certain violations, including, for example, falsely representing "benefits" of a product must be made "knowingly."	In an individual action, there is a statutory minimum of \$500. No multiplier unless "bad faith."

Colorado Consumer Protection Act, Colo. Rev. Stat. Ann. §§ 6-1-101 to -115 (West 2008). Statute lists prohibited deceptive trade practices which include, inter alia:

- knowingly making false representations as to the characteristics of goods or services;
- making false or misleading statements concerning price of goods or price reductions; or
- failing to disclose material information concerning goods or services if such failure to disclose was intended to induce consumer to enter into transaction.

Colo. Rev. Stat. Ann. § 6-1-105.

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CONNECTICUT	Yes.	Conn. Gen. Stat. Ann. § 42-110a.	No.	Action must be brought within 3 years.	Yes.	No.	"[A] violation of [the statute] may be established by showing either an actual deceptive practice; or a practice amounting to a violation of public policy. Furthermore, a party need not prove an intent to deceive" where "knowledge of falsity, either constructive or actual, need not be proven to establish [a] violation."	Actual damages. No multiplier. Conn. Gen. Stat. Ann. § 42-110g(a). Reasonable attorney fees allowed in court's discretion.

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DELAWARE	Yes.	No law.	Consumers do not have standing to bring action under the statute and only "businesses" and "competitors" have standing.	3 years.	No.	No.	"Proof of . . . intent to deceive[] is not required."	Statute itself does not provide for monetary relief; only injunctive relief available.
Uniform Deceptive Trade Practices Act, ¹ Del. Code Ann. tit. 6, §§ 2531-36 (2008).	Del. Code Ann. tit. 6, § 2533.	But there is only standing if the person has a business interest at stake which is the subject of the deceptive practice.	Consumers do not have standing to bring action under the statute and only "businesses" and "competitors" have standing.	Action must be brought 3 years from date of occurrence of injury or the date of discovery when plaintiff had reason to know a wrong had been committed.	See Del. Code Ann. tit. 6, § 2533(a) (providing that a person "likely to be damaged" may bring action where proof of damage, loss of profits, or intent to deceive are not required).	See Del. Code Ann. tit. 6, § 2533(a1). (providing that a person "likely to be damaged" may bring action where proof of damage, loss of profits, or intent to deceive are not required).	Del. Code Ann. tit. 6, § 2533(a1).	Del. Code Ann. tit. 6, § 2533(a).

Statute lists prohibited "deceptive trade practices" which include, inter alia:

- misrepresentation of the standard or quality of goods or services;
- making of false or misleading statements concerning price reductions; or
- engaging in any other conduct which similarly creates a likelihood of confusion or of misunderstanding.

Del. Code Ann. tit. 6, § 2532.

¹ While Plaintiffs state a claim only under Delaware's Deceptive Trade Practices Act, Delaware law contains several consumer protection statutes, the provisions of which could be implicated by Plaintiffs' claims. See, e.g., Del. Code Ann. Tit. 6, § 2531-2527 (West 2008).

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DISTRICT OF COLUMBIA Consumer Protection Procedures Act D.C. Code § 28-3901 to -3913 (2008).	Yes.	Yes.	D.C. Code § 28-3905(k)(1).	Yes.	Only a "consumer" defined as a person who purchases "consumer goods or services" primarily for "personal, household, or family use" may bring suit. D.C. Code § 28-3901(2).	A merchant may violate the act "whether or not any consumer is in fact misled, deceived or damaged thereby."	Scienter only required for award of punitive damages.	Treble damages or \$1,500 per violation, whichever is greater.
Statute lists prohibited unlawful trade practices which include, inter alia: - representing that goods or services are of a particular quality or standard if they are of another; - misrepresenting as to a material fact which has tendency to mislead; or - failing to state a material fact if such failure tends to mislead. - make false or misleading representations about price reductions.				3 years.	Dist. Cablevision Ltd. v. Busin, 828 A.2d 714, 729 (D.C. 2003). Action "may not be brought after the expiration [of three years] from the time the right to maintain the action accrues."	"A merchant may violate the act "whether or not any consumer is in fact misled, deceived or damaged thereby."	Dist. Cablevision, 828 A.2d at 727-30. D.C. Code § 28-3904.	D.C. Code § 28-3905(k)(1)(A). Reasonable attorney fees are recoverable. D.C. Code § 28-3904.
					Mazandaran v. Indep. Taxi Owners' Ass'n., 700 F. Supp. 588, 591 (D.D.C. 1988) (holding taxi operator not a "consumer" under the statute where cause of action accrues when the plaintiff has knowledge of (or by the exercise of reasonable investigation plaintiff should have knowledge of "consumers").	Discovery rule applies to claims under the statute of limitations, where cause of action accrues when the plaintiff has knowledge of (or by the exercise of reasonable investigation plaintiff should have knowledge of "consumers").	Dist. Cablevision, 828 A.2d at 728-29. Punitive damages available in addition to treble damages if show egregious conduct. <i>Id.</i> at 728.	Diamond v. Davis, 680 A.2d 364, 380-81 (D.C. 1996).

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FLORIDA Florida Deceptive and Unfair Trade Practices Act, Fla. Stat. Ann. §§ 501.201-213 (West 2008). Statute does not list unlawful acts but rather provides that: "Unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce are [] declared unlawful." Fla. Stat. § 501.204.	Yes.	Yes.	Fla. Stat. § 501.211. See, e.g., W.S. Badcock Corp. v. Myers, 696 So. 2d 776, 779 (Fla. Dist. Ct. App. 1996).	Unclear.	4 years. One appellate court has held that only in-state consumers may pursue claims under statute.	"An action founded on a statutory liability" must be brought "within 4 years."	Causation not required if not seeking damages. Davis v. PowerTel, Inc., 776 So. 2d, 971, 973-74 (Fla. Dist. Ct. App. 2000) OCE Printing Sys. USA, Inc. v. Mailers Data Servs., Inc., 760 So. 2d 1037, 1042 (Fla. Dist. Ct. App. 2000); see also Husson v. Rexall Sundown, Inc., 837 So. 2d 1090, 1093-94 (Fla. Dist. Ct. App. 2003) (affirming denial of nationwide class, but noting that, in certain cases, if there are sufficient contacts with Fla., court may extend statute to out-of-state residents).	No. Reliance not required. Davis, 776 So. 2d at 973-74. But this decision "has been questioned by other [Fla.] courts" on the issue of causation. Green v. McNeil Nutritionals, LLC, No. 2004-0379 CA, 2005 WL 3388158, at *5 (Fla. Cir. Ct. Nov. 16, 2005)	Actual damages. No multiplier. Fla. Stat. § 501.211(2). Attorneys' fees & costs allowed. <i>Id.</i> No punitive damages. <i>See Schauer v. GMAC, 819 So. 2d 809, 813 (Fla. Dist. Ct. App. 2002)</i> (noting no special damages under the statute); <i>Urting v. Helms Exterminators, Inc., 468 So. 2d 451, 454 (Fla. Dist. Ct. App. 1985).</i>

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HAWAII Uniform Deceptive Trade Practice Act, ² Haw. Rev. Stat. § 481A- 1 to -5 (2007).	Yes, but only for an injunction.	No law.	No.	N/A – only for an injunction.	No. Does not need to prove injury to prevail.	No. To prevail, plaintiff does not need to prove “actual confusion or misunderstanding”	No. Does not need to prove intent to deceive.	Can only obtain an injunction. Haw. Rev. Stat. § 481A-4(a). Attorney fees shall be granted at the court’s discretion, if there deceptive act was willful. Haw. Rev. Stat. § 481A-4(a). Balthazar, 123 P.3d at 202-204. Haw. Rev. Stat. § 481A-4. Balthazar v. Venzon Hawaii, Inc., 123 P.3d 194, 202-204 (Haw. 2005). Balthazar, 123 P.3d at 202-204. Haw. Rev. Stat. § 481A-4.

² While Plaintiffs state a claim only under Hawaii's Uniform Deceptive Trade Practice Act, Hawaii law contains several consumer protection statutes, the provisions of which could be implicated by Plaintiffs' claims. See, e.g., Haw. Rev. Stat. §§ 480-1, 480-2.

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IDAHO Idaho Consumer Protection Act, Idaho Code Ann. § 48-601 to - 619 (2008). Statute lists prohibited "deceptive acts" which include, inter alia: <ul style="list-style-type: none">- misrepresentation of standard or quality of goods or services;- making of false or misleading statements concerning price reductions; or- engaging in any act or practice which is otherwise misleading, false, or deceptive to the consumer.	Yes.	Idaho Code Ann. § 48-608(1).	No.	Any "person" may bring action but damage must arise from purchase or lease of "goods or services."	Action cannot be brought more than 2 years after cause of action accrues.	Yes.	Likely not.	"[P]roof of intention to deceive is not required for finding that an act is unfair or deceptive."

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ILLINOIS	Yes with a pre-suit demand requirement	Yes.	815 Ill. Comp. Stat. Ann. 505/10a.	No.	Action must be commenced within 3 years after the cause of action accrues.	Yes.	Intent to deceive is not required, but intent that consumer rely on the information is required.

Consumer Fraud and Deceptive Business Practices Act, 815 Ill. Comp. Stat. Ann. 505/1-2(1) (West 2007).

Statute does not list unlawful acts but rather provides that:

"Unfair methods of competition and unfair or deceptive acts or practices, including but not limited to the use . . . of any deception, fraud . . . misrepresentation or concealment . . . of any material fact, with intent that others rely upon the concealment . . . in the conduct of any trade or commerce are . . . unlawful whether any person has in fact been misled, deceived or damaged."

815 Ill. Comp. Stat. Ann. § 505/2.

Interpretation of this statute shall be done consistent with FTC rulings.

Id.

Any "person" defined to include corp. etc. may bring suit.

Must give 30 day notice and demand for relief if defendant is vehicle retailer, which is not applicable for this case.

815 Ill. Comp. Stat. Ann. 505/10a(d).

815 Ill. Comp. Stat. Ann. 505/10a(c).

But, if plaintiff is not traditional consumer (e.g., a competitor or non-consumer business) then must show that there is a "consumer nexus" in order to have standing.

"Consumer Nexus" requires that wrongful acts are directed at market generally and implicate consumer protection concerns.

Athey Prods. Corp. v. Harris Bank Roselle, 89 F.3d 430, 436 (7th Cir. 1996). *But see DRL Enters., Inc. v. ePartners, Inc.*, 173 F. Supp. 2d 818, 820 (stating that many courts find Athey's consumer nexus statement to be too broad).

Action must be commenced within 3 years after the cause of action accrues.

815 Ill. Comp. Stat. Ann. 505/10a(c).

If the attorney general brings an action, the statute tolls until one year after pendency of action.

815 Ill. Comp. Stat. Ann. 505/10a(k)(1).

Discovery rule applies where the cause of action accrues when plaintiff knows or reasonably should know of his injury and also knows or reasonably should know that it was wrongfully caused.

Hignsmith v. Chrysler Credit Corp., 18 F.3d 434, 441 (7th Cir. 1994).

The Illinois Supreme Court has held that while reliance is not expressly required under the statute, there can be no proximate cause causation unless the plaintiff can prove that plaintiff was deceived by and changed his behavior as a result of the misrepresentation.

Guess v. Brophy, 517 N.E.2d 693, 697-698 (Ill. Ct. App. 1987) (noting that no special provision of the statute affords punitive damages other than "any other relief," and to obtain punitive damages plaintiff must demonstrate fraud, malice or gross negligence).

Avery v. State Farm Mut. Ins. Co., 835 N.E.2d 801, 861 (Ill. 2005); Oliveira, 776 N.E.2d at 162. *But see Oshana v. Coca-Cola Bottling Co., 225 F.R.D. 575, 585 (N.D. Ill. 2005)* (denying class certification while holding that proof of reliance is not required, despite the need to establish proximate cause).

Griffith v. Universal Cas. Co., 654 N.E.2d 694, 700-01 (Ill. Ct. App. 1995).

Punitive damages recoverable if demonstrate fraud, malice or gross negligence.

Id. (permitting "any other relief").

Olivera v. Amoco Oil Co., 776 N.E.2d 151, 164 (Ill. 2002).

The Illinois Supreme Court has held that while reliance is not expressly required under the statute, there can be no proximate cause causation unless the plaintiff can prove that plaintiff was deceived by and changed his behavior as a result of the misrepresentation.

815 Ill. Comp. Stat. Ann. 505/10a(c).

815 Ill. Comp. Stat. Ann. 505/10a(d).

815 Ill. Comp. Stat. Ann. 505/10a(e).

815 Ill. Comp. Stat. Ann. 505/10a(f).

815 Ill. Comp. Stat. Ann. 505/10a(g).

815 Ill. Comp. Stat. Ann. 505/10a(h).

815 Ill. Comp. Stat. Ann. 505/10a(i).

815 Ill. Comp. Stat. Ann. 505/10a(j).

815 Ill. Comp. Stat. Ann. 505/10a(k).

815 Ill. Comp. Stat. Ann. 505/10a(l).

815 Ill. Comp. Stat. Ann. 505/10a(m).

815 Ill. Comp. Stat. Ann. 505/10a(n).

815 Ill. Comp. Stat. Ann. 505/10a(o).

815 Ill. Comp. Stat. Ann. 505/10a(p).

815 Ill. Comp. Stat. Ann. 505/10a(q).

815 Ill. Comp. Stat. Ann. 505/10a(r).

815 Ill. Comp. Stat. Ann. 505/10a(s).

815 Ill. Comp. Stat. Ann. 505/10a(t).

815 Ill. Comp. Stat. Ann. 505/10a(u).

815 Ill. Comp. Stat. Ann. 505/10a(v).

815 Ill. Comp. Stat. Ann. 505/10a(w).

815 Ill. Comp. Stat. Ann. 505/10a(x).

815 Ill. Comp. Stat. Ann. 505/10a(y).

815 Ill. Comp. Stat. Ann. 505/10a(z).

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815 Ill. Comp. Stat. Ann. 505/10a(gg).

815 Ill. Comp. Stat. Ann. 505/10a(hh).

815 Ill. Comp. Stat. Ann. 505/10a(ii).

815 Ill. Comp. Stat. Ann. 505/10a(jj).

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815 Ill. Comp. Stat. Ann. 505/10a(qq).

815 Ill. Comp. Stat. Ann. 505/10a(rr).

815 Ill. Comp. Stat. Ann. 505/10a(ss).

815 Ill. Comp. Stat. Ann. 505/10a(tt).

815 Ill. Comp. Stat. Ann. 505/10a(uu).

815 Ill. Comp. Stat. Ann. 505/10a(vv).

815 Ill. Comp. Stat. Ann. 505/10a(xx).

815 Ill. Comp. Stat. Ann. 505/10a(yy).

815 Ill. Comp. Stat. Ann. 505/10a(zz).

815 Ill. Comp. Stat. Ann. 505/10a(aa).

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INDIANA Deceptive Consumer Sales Ind. Code Ann. §§ 24-5-0.5-10 -12 (West 2008).	Yes with a pre-suit demand requirement Ind. Code Ann. § 24-5-0.5-4.	Yes. Statute lists prohibited "deceptive acts" which include, inter alia: - that subject of transaction is of a standard or quality if it is not and if supplier knows or should reasonably know that it is not; or - that a specific price advantage exists as to the subject of the transaction.	Although any "person" may bring action, deceptive act which causes damage must concern subject matter of a "consumer transaction" which is defined as a sale, lease of property to a person for purposes that are primarily personal...or household.	2 years. No action may be brought more than 2 years from occurrence of the deceptive act.	Proximate causation required. Ind. Code Ann. § 24-5-0.5-4(a).	Yes. Reliance required. Ind. Code Ann. § 24-5-0.5-4(a).	"Incurable" deceptive practices require "knowing or intentional violation" and "intent to mislead." Most "un cured" deceptive practices require defendant to have "known or reasonably should have known."	Permits greater of \$500 or "damages actually suffered." Ind. Code Ann. § 24-5-0.5-4(a).

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KANSAS Consumer Protection Act Kan. Stat. Ann. § 50-623 to -644 (2007).	Yes. Statute generally prohibits "any deceptive act or practice in connection with a consumer transaction," and further lists specific prohibited acts such as, <i>inter alia</i> : - representations made knowingly or with reason to know that goods or services are of a particular standard or quality when they are not; or - the willful use of any oral or written representation, of exaggeration, falsehood, innuendo or ambiguity as to a material fact.	Yes. Kan. Stat. Ann. § 50-634(b), (c) & (d).	Only a "consumer," who is aggrieved or who suffers a loss may bring action. But only if it's a violation of specific prohibition of Kan. Stat. Ann. § 50-626 or previously decided by court to be a violation.	Action must be brought within 3 years. Kan. Stat. Ann. § 60-512(2).	"Casual connection" required. Must suffer loss or injury as result of the violation.	Yes. Kan. Stat. Ann. §§ 50-626, 50-634(b).	Most deceptive acts or practices require willful or knowing making of (or have reason to know of) misrepresentation or omission.	In individual action, plaintiff may recover equitable relief, or the greater of damages or civil penalty of up to \$10,000 for each violation. No multiplier. <i>Id.</i>
	Kan. Stat. Ann. § 50-634 cmt. 4.	Kan. Stat. Ann. § 50-634(b), (c) & (d).	"Consumer" defined as an individual, husband & wife, sole proprietor or family partnership who seeks or acquires property or services for personal, family, household, business, or agricultural purposes.	Alexander v. Certified Master Builders Corp., I P.3d 899, 905 & 908 (2000).	Time begins to run when plaintiff learns of the alleged misconduct.	Kan. Stat. Ann. §§ 50-626, 50-634(b).	Reliance required, making of (or have reason to know of) misrepresentation or omission.	Finstad, 845 P.2d at 690-92 (analyzing causal requirement and noting that because plaintiffs did not rely upon the unlawful act, they were not "aggrieved" by it). York v. Ir-Trust Bank, N.A., 962 P.2d 405, 420-21 (Kan. 1998).

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MAINE Maine Unfair Trade Practices Act, Me. Rev. Stat. Ann. tit. 5, §§ 205-A to 214 (2008).	Yes with a pre-suit demand requirement Me. Rev. Stat. Ann. tit. 5, § 213.	Yes. Tungate v. MacLean-Stevens Studios, Inc., 714 A.2d 792 (Me. 1998). "Unfair methods of competition or deceptive acts or practices in the conduct of any trade and commerce are declared unlawful."	Action limited to "person" who purchases goods or services "primarily for personal, family or household purposes." Me. Rev. Stat. Ann. tit. 5, § 213(1).	6 years. Actions "shall be commenced within 6 years after the cause of action accrues."	Yes. Plaintiff must show that he suffered "substantial" injury "as a result of" the unlawful practice so as to be beyond trivial or merely speculative harms.	No law. Me. Rev. Stat. Ann. tit. 14, § 752.	Intent to deceive not required. Courtney v. Bassano, 733 A.2d 973, 976 (Me. 1999) (noting that misrepresentation made in good faith and without purpose to deceive does not shield from liability). Me. Rev. Stat. Ann. tit. 5, § 213(2).	Actual damages or restitution and equitable relief. No multiplier. Me. Rev. Stat. Ann. tit. 5, § 213 (1). Reasonable attorney fees and costs are mandatory for successful plaintiff. Me. Rev. Stat. Ann. tit. 5, § 213(2).

STATE/LAW AUTHORITY	PRIVATE ACTION ALLOWED?	CLASS ACTION ALLOWED?	CONSUMER REQUIREMENTS	STATUTE OF LIMITATIONS	CAUSATION & INJURY?	RELIANCE?	SCIENTER & LEVEL OF INTENT	DAMAGES
MARYLAND	Yes.	Yes.	<p>Md. Code Ann., Com. Law § 13-408 (a).</p> <p>Philip Morris, Inc. v. Angeletti, 752 A.2d 200, 234-236 (Md. 2000).</p> <p>Statute lists prohibited "deceptive trade practices" which include, <i>inter alia</i>:</p> <ul style="list-style-type: none"> - false or misleading oral or written statement, visual description or other representation of any kind which has the capacity, tendency, or effect of deceiving or misleading consumers; or - failure to state a material fact if the failure deceives or tends to deceive. - false or misleading representation of fact regarding price reductions. <p>Md. Code Ann., Com. Law § 13-301.</p>	3 years.	Action "shall be filed within three years from the date it accrues."	Reliance required.	Where allegations fall under § 13-301(1) (which only requires a false or misleading statement), scienter is not required.	Compensatory damages.
					<p>Md. Code Ann., Com. Law § 13-408 (a).</p> <p>Philip Morris, 752 A.2d at 234-236.</p> <p>Md. Code Ann., Cts. & Jud. Proc. § 5-101.</p> <p>Greene Tree Home Owners Assn., Inc. v. Greene Tree Assets, 749 A.2d 806, 808-810 (Md. 2000).</p> <p>Md. Code Ann., Com. Law § 13-101.</p> <p>Fare Deals, Ltd. v. World Choice Travel.com, Inc., 130 F. Supp. 2d 678, 692 (D. Md. 2001).</p> <p>An otherwise "consumer good" will not be considered a consumer good if it is not also used primarily for personal, family, household, or agricultural purposes.</p> <p>Boatel Indus., Inc. v. Hester, 550 A.2d 389, 398-99 (Md. Ct. Spec. App. 1988).</p>	<p>Private right of action for damages requires injury or loss "as a result" of unlawful practice.</p> <p>Md. Code Ann., Com. Law § 13-408 (a).</p> <p>Hallowell v. Citarmanis, 594 A.2d 591 (Md. Ct. Spec. App. 1991), <i>aff'd</i>, 613 A.2d 964 (Md. 1992).</p> <p>Discovery rule applies providing that the cause of action accrues when the plaintiff "kn[ows] or reasonably should have known of the wrong," and would be on inquiry notice that they should investigate.</p> <p>Cooper v. Berkshire Life Ins. Co., 810 A.2d 1045, 1071 (Md. Ct. Spec. App. 2002).</p>	<p>Philip Morris, 752 A.2d at 235 ("Reliance by consumers would also seem to be a necessary precondition to awarding restitution or damages pursuant to the statutory consumer protection provisions.").</p> <p>Golt v. Phillips, 517 A.2d 328, 332-33 (Md. 1986).</p> <p>Golt, 517 A.2d at 333.</p> <p>Attorneys' fees may also be recovered.</p> <p>Md. Code Ann., Com. Law § 13-408 (b).</p>	<p>Md. Code Ann., Com. Law § 13-408 (a).</p> <p>Golt, 517 A.2d at 333.</p>

STATE/LEGAL AUTHORITY	PRIVATE ACTION ALLOWED?	CLASS ACTION ALLOWED?	CONSUMER REQUIREMENT?	STATUTE OF LIMITATIONS	CAUSATION & INJURY?	RELIANCE?	SCIENTER & LEVEL OF INTENT	DAMAGES
MASSACHUSETTS	Yes with a pre-suit demand requirement	Yes.	Any "person" injured by an unlawful act may bring suit except persons who are entitled to bring actions under Mass. Gen. Laws ch. 93A, § 11 (i.e., persons who are injured in the conduct of any trade or commerce).	4 years.	Causation required between unfair acts and claimed loss.	Proof of actual reliance not required.	Defendant need not know representation was false.	Greater of actual damages or \$25. Mass. Gen. Laws Ann. ch. 93A, § 9(3).
Regulation of Business Practices for Consumer Protection	Mass. Gen. Laws Ann. ch. 93A, §§ 9(1), (2).	Non-jury, but judge may hear advisory opinion from jury or chose to allow binding jury decision of jury for comparable claims.	Any "person" injured by an unlawful act may bring suit except persons who are entitled to bring actions under Mass. Gen. Laws ch. 93A, § 11 (i.e., persons who are injured in the conduct of any trade or commerce).	Actions under statute will be commenced within 4 years "after the cause of action accrues."	Mass. Farm Bureau Fed'n, Inc. v. Blue Cross of Mass., Inc., 532 N.E.2d 660, 665 (Mass. 1989).	Slaney v. Westwood Auto, Inc., 322 N.E.2d 768, 779 (Mass. 1975).	Slaney, 322 N.E.2d at 779.	Double to treble damages for "willful or knowing" violations.
Mass. Gen. Laws Ann. ch. 93A, §§ 1-11 (West 2008).	Statute does not list unlawful acts but rather provides that: "Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are [...] declared unlawful."	Billingham v. Deffermann, 771 N.E.2d 166, 171-72 (Mass. App. Ct. 2002)	Mass. Gen. Laws Ann. ch. 93A, § 9(1).	Discovery rule applies to toll limitations period "where misrepresentation concerns a fact that was inherently unknowable, . . . or where a wrongdoer concealed the existence of a cause of action through some affirmative act done with intent to deceive."	Hershmanow v. Enter. Rent-A-Car Co. of Boston, Inc., 840 N.E.2d 525, 532-34 (Mass. 2006)	"[T]he [file plaintiff] need not show actual reliance on the misrepresentation, the evidence must warrant a finding that a causal relationship existed between the misrepresentation and the injury."	Attorney fees shall be rewarded.	Similar awards for acting under § 11, but probably need to plead separately.
Mass. Gen. Laws Ann. ch. 93A, § 2	Interpretation should be guided by FTC, but the attorney general may adopt more restrictive restrictions than FTC.	Com v. AmCom Enters., 712 N.E.2d 1205, 1208-10 (Mass. App. Ct. 1989).	Pre-suit demand required at least 30 days prior to filing of action.	Mass. Gen. Laws Ann. ch. 93A, § 9(3).	If the claim is brought under Section 11, there is no need to present the demand.	Loguidice v. Metro. Life Ins., 336 F.3d 1, 6 (1st Cir. 2003).	Heller v. Ins. Co. of N. Am., 573 N.E.2d 8, 13 (Mass. 1991).	Dual inquiry required for applicability under Mass. Gen. Laws Ann. ch. 93A, § 11.
	Com v. AmCom Enters., 712 N.E.2d 1205, 1208-10 (Mass. App. Ct. 1989).						Grand Pac. Fin. Corp. v. Brauer, 783 N.E.2d 849, 850, 765 (Mass. App. Ct. 2003).	Mass. Gen. Laws Ann. ch. 93A, § 9(1), 11.

STATE/LEGAL AUTHORITY	PRIVATE ACTION ALLOWED?	CLASS ACTION ALLOWED?	CONSUMER REQUIREMENT	STATUTE OF LIMITATIONS	CAUSATION & INJURY?	RELIANCE?	SCIENTER & LEVEL OF INTENT	DAMAGES
MICHIGAN	Yes.	Yes.	Michigan Comp. Laws Ann. § 445.911.	6 years.	Yes.	Partial.	Yes.	In individual actions, the greater of actual damages or \$250. No multiplier.

Michigan Consumer Protection Act, Mich. Comp. Laws Ann. § 445.901-922 (West 2008).

Statute lists prohibited "deceptive trade practices" which include, inter alia:

- representing that goods or services are of a particular standard or quality if they are of another;
- making false or misleading statements concerning price reductions; or
- failing to reveal a material fact which tends to mislead or deceive a consumer.

Michigan Comp. Laws Ann. § 445.903.

Also includes acts declared to be deceptive by FTC or a Michigan Court decision at least 30 days before the act occurs.

Michigan Comp. Laws Ann. § 445.911.

Although any "person" may bring action, wrongful act must involve purchase of service or good primarily for personal, family or household purposes (the "trade" or "commerce" requirement)

Michigan Comp. Laws Ann. § 445.902, 445.911

Intent is to protect consumers who purchase goods and services for personal use not commercial use.

Zine v. Chrysler Corp., 600 N.W.2d 384, 392 (Mich. Ct. App. 1999).

Discovery rule does not apply.

Boyle v. Gen. Motors Corp., 661 N.W.2d 557, 559-60 (Mich. 2003)

Action under the statute "shall not be brought more than 6 years after the occurrence of the [] act, or practice which is the subject of the action nor more than 1 year after the last payment in a transaction involving the [] act, or practice . . . whichever period of time ends at a later date."

Michigan Comp. Laws Ann. § 445.911(7).

Time runs from the date that the alleged violation occurred.

Zine v. Boston Whaler, 892 F. Supp. 935, 939 (D. Mich. 1994).

Discovery rule does not apply.

Boyle v. Gen. Motors Corp., 661 N.W.2d 557, 559-60 (Mich. 2003)

Loss must be "as a result of a violation" of the Act.

Michigan Comp. Laws Ann. § 445.911(2).

Misleading acts or practices must be proximate cause of any damages.

Zine, 600 N.W.2d at 399.

But, must still show that "reasonable person" would have relied on the statement.

Dix v. Am. Bankers Life Assurance Co. of Fla., 415 N.W.2d 206, 209 (Mich. 1987).

Michigan Comp. Laws Ann. § 445.911(7).

Can recover attorneys' fees for individual act, but not for class actions.

Gavrilis v. Verizon Wireless, 194 F. Supp. 2d 674, 684 (E.D. Mich. 2002).

Damages limited to actual damages if defendant demonstrates that alleged unlawful act resulted from "bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error."

Michigan Comp. Laws Ann. § 445.911(6).

Plaintiff must show Defendant's "intent to deceive through a pattern of misrepresentations."

Dix, 415 N.W.2d at 209.

Class actions are limited to actual damages.

Michigan Comp. Laws Ann. § 445.911(2).

STATE/LAW AUTHORITY	PRIVATE ACTION ALLOWED?	CLASS ACTION ALLOWED?	CONSUMER REQUIREMENT?	STATUTE OF LIMITATIONS	CAUSATION & INJURY?	RELIANCE?	SCIENTER & LEVEL OF INTENT	DAMAGES
MINNESOTA	Yes.	Yes.	No.	6 years.	No.	Yes.	"Whether Defendants intend to deceive . . . is irrelevant." Plaintiff need only show that practice is likely or tends to deceive.	Only injunctive relief available.

Uniform Deceptive Trade Practices Act,¹ Minn. Stat. Ann. § 325D.45. Parkhill v. Minn. Mut. Life Ins. Co., 188 F.R.D. 332 (D. Minn. 1999), *aff'd* 286 F.3d 1051 (8th Cir. 2002).

Statute lists prohibited "deceptive trade practices" which include, *inter alia*:

- representation that goods or services are of a particular standard or quality if they are of another;
- making of false or misleading statements concerning price reductions; or
- engages in any other conduct which similarly creates a likelihood of confusion or of misunderstanding.

Minn. Stat. Ann. § 325D.44.

Any person may bring suit. Minn. Stat. Ann. § 325D.45.

Actions will be commenced "within 6 years."

Minn. Stat. Ann. § 541.05(2)

Discovery rule does not apply. The statute begins to run from the date the alleged statutory violations occurred.

Tuttle v. Lorillard Tobacco Co., 377 F.3d 917, 926 (8th Cir. 2004) (holding that the Minnesota UDTPA, Minnesota Consumer Fraud Act and Minnesota False Advertising Act do "not include a discovery allowance as does the statute of limitations applicable to fraud claims").

Person "likely to be damaged" by the deceptive trade practice may bring action.

Minn. Stat. Ann. § 325D.45.

Must prove a legal nexus between the injury and defendant's conduct. Group Health Plan Inc. v. Philip Morris, Inc., 621 N.W.2d 2, 14 (Minn. 2001).

United Healthcare Ins. Co. v. Advance PCS, 316 F.3d 737, 743 (8th Cir. 2002).

Must establish reliance, but it may be done by direct or circumstantial evidence.

Group Health, 621 N.W.2d at 14-15.

Defendant may present evidence negating a plaintiff's direct or circumstantial showing of causation and reliance." In re St. Jude Med. Inc., No. 06-2860, 2008 WL 942274, at *3 (8th Cir. Apr. 9, 2008)

Person "likely to be damaged" by the deceptive trade practice may bring action.

Minn. Stat. Ann. § 325D.45.

Must establish reliance, but it may be done by direct or circumstantial evidence.

United Healthcare Ins. Co. v. Advance PCS, 316 F.3d 737, 743 (8th Cir. 2002).

Reasonable attorneys' fees recoverable for willful practices. Minn. Stat. Ann. § 325D.45.

¹ While Plaintiffs state a claim only under Minnesota's Consumer Protection Act and Uniform Deceptive Act, Minnesota law contains several consumer protection statutes, the provisions of which could be implicated by Plaintiffs' claims. See, e.g., Minn. Stat. § 325F.67.

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MINNESOTA (cont'd)	Yes.	Yes.	Unsettled.	6 years.	Actions will be commenced "within 6 years."	Yes.	May be held liable for negligent and unintentional acts.	Actual damages and injunctive relief. No multiplier.
Prevention of Consumer Fraud Act	Minn. Stat. Ann. § 8.31(3a).	Minn. Stat. Ann. § 8.31(3a).	Broadly declined. Although any "person" who is injured may bring action, statute designed to protect consumers in connection with consumer transactions (i.e., corporations, merchants, and competitors are not "consumers").	Group Health Plan, Inc., 621 N.W.2d at 9, 10.	Injury must be "by a violation" of the statute.	Group Health, 621 N.W.2d at 14.	Minn. Stat. Ann. § 8.31(3a).	Minn. Stat. Ann. § 8.31(3a).
Minn. Stat. Ann. § 325F.68-70 (West 2008).	Alsides v. Brown Inst., Ltd., 592 N.W.2d 468, 475-76 (Minn. Ct. App. 1999). Statute lists specific unlawful acts and further provides generally that: "The act [or] use . . . by any person of any fraud . . . misrepresentation . . . or deceptive practice, with the intent that others rely thereon in connection with the sale of any merchandise, whether or not any person has in fact been misled, deceived, or damaged thereby, is enjoined . . ."	Minn. Stat. Ann. § 541.05(2)	Estate of Riedel v. Cmyx, Inc., 505 N.W.2d 78, 83 (Minn. Ct. App. 1993).	Minn. Stat. Ann. § 8.31(3a)	Must prove a legal nexus between the injury and defendant's conduct.	Group Health, 621 N.W.2d at 14.	McNamara v. Nomeco Bldg. Specialties, 26 F. Supp. 2d 1168, 1171 (D. Minn. 1998).	Group Health, 621 N.W.2d at 14.
			Lay v. Nystrom, 615 N.W.2d 302, 308 (Minn. 2000) (noting that "consumer" not defined in statute but intent is to protect "consumers").	Lay v. Nystrom, 615 N.W.2d 302, 308 (Minn. 2000)	Fraudulent act is made.	Group Health, 621 N.W.2d at 14-15.	But, need to establish that defendant "intended to induce reliance."	Group Health, 621 N.W.2d at 14.
			Solvay Pharms., Inc. v. Ethex Corp., 298 F. Supp. 2d 1880, 86-87 (D. Minn. 2004) (holding statute does not apply to competitors).	Turtle, 377 F.3d at 926 (holding that the Minnesota UPTPA, Consumer Fraud Act and Minnesota False Advertising Act do "not include a discovery allowance as does the statute of limitations applicable to fraud claims").	In re St. Jude Med. Inc., No. 06-2860, 2008 WL 942274, at *3 (8th Cir. April 9, 2008)	In re St. Jude Med. Inc., No. 06-2860, 2008 WL 942274, at *3 (8th Cir. April 9, 2008)	But this distinction may have been removed and may allow indirect purchasers to bring a claim.	Group Health, 621 N.W.2d at 6-9.

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MISSOURI	Yes.	Yes.	Mo. Ann. Stat. § 407.025.	3 years.	Yes.	No.	"It is the defendant's conduct, not his intent, which determines whether a violation has occurred."	Actual damages. No multiplier. Mo. Ann. Stat. § 407.025(1).

Merchandising Practices Act
Mo. Ann. Stat.
§ 407.010-130 (West 2008).
Statute does not list unlawful acts but rather provides that:

"The act, use . . . by any person of any deception, fraud . . . misrepresentation . . . or the concealment . . . of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce . . . is declared to be an unlawful practice."

Mo. Ann. Stat.
§ 407.020.

Private action available only for person who purchases goods or services primarily for personal, family, or household purposes.

Action must be brought "within 3 years."

Mo. Ann. Stat.
§ 516.130 (2).

Neither case law nor statute expressly addresses when a claim under the statute accrues or whether the discovery rule is applicable to claims brought under the statute.

"Ascertainable loss" must be "as a result of" unlawful acts.

Mo. Ann. Stat.
§ 407.025(1).

Injury must be "proximately caused by defendant's actions."

Mo. Ann. Stat.
§ 407.025(1).

Schimmer v. H. W. Freeman Constr. Co., 607 S.W.2d 767, 768 (Mo. Ct. App. 1980).

Goods or services must be for personal not commercial use.

Sacey v. CompuUSA, Inc., 174 F.R.D. 448, 450 (D. Mo. 1997) (dismissed case).

Missouri *ex rel.* Webster v. Arcoco Inv. Co., 756 S.W.2d 633, 636 (Mo. Ct. App. 1988) ("We also do not find that proof of reliance by customers is a necessary element of such cases.").

Willard v. Bic Corp., 788 F. Supp. 1059, 1070 (W.D. Mo. 1991).

Missouri *ex rel.* Webster v. Arcoco Inv. Co., 756 S.W.2d at 635. (Mo. Ann. Stat.
§ 407.025(1)).

Discretionary punitive damages and attorneys' fees.

STATE/LAW AUTHORITY	PRIVATE ACTION ALLOWED?	CLASS ACTION ALLOWED?	CONSUMER REQUIREMENT	STATUTE OF LIMITATIONS	CAUSATION & INJURY?	RELIANCE?	SCIENTER & LEVEL OF INTENT	DAMAGES
NEBRASKA	Yes.	Yes.	No.	4 years.	Yes.	Yes.	Plaintiff must prove that "the practice possessed the tendency or capacity to mislead, or created the likelihood of deception."	Actual damages and equitable relief. No multiplier. Neb. Rev. Stat. § 59-1609.
Consumer Protection Act	Neb. Rev. Stat. § 59-1609.	Hage v. Gen. Servs. Bureau, 306 F. Supp. 2d 833, 889 (D. Neb. 2003).	Any "person" who is injured directly or indirectly may bring action.	Action under the statute "shall be forever barred unless commenced within four years after the cause of action accrues," subject to suspension during pendency of an attorney general's action.	Plaintiff must be injured "by a violation" of the Act.	Reliance required. Raad, 13 F. Supp. 2d at 1016.	Raad, 13 F. Supp. 2d at 1016.	Neb. Rev. Stat. § 59-1609.
Neb. Rev. Stat. § 59- 1601 to -1623 (2008). Statute does not list unlawful acts but rather provides that: "Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce shall be unlawful."	Raad v. Wal-Mart Stores, Inc., 13 F. Supp. 2d 1003, 1010-11 (D. Neb. 1998).	Neb. Rev. Stat. Ann. § 59-1609.	Class of persons who may bring action interpreted broadly.	Arthur v. Microsoft Corp., 676 N.W.2d 29, 34-35 (Neb. 2004).	Eicher v. Mid Am. Corp., 702 N.W.2d 792, 804 (Neb. 2005) (upholding award where act proximately caused the injury).	Attorney fees recoverable. <i>Id.</i>	Attorney fees recoverable. <i>Id.</i>	Discretionary non- pecuniary increase not to exceed \$1,000.
Neb. Rev. Stat. § 59- 1602.				Neb. Rev. Stat. § 59-1612.	Neither case law nor statute expressly addresses whether the discovery rule is applicable to claims brought under the statute.	No jury trial. Hage, 306 F. Supp. 2d at 890.		
NEBRASKA	Yes, but only for injunction.		Only for an injunction.	4 years from date of purchase of the goods	No Law	No Law	No Law	No damages, only injunction Nev. Rev. Stat § 87-303.
Uniform Deceptive Trade Practices Act, Neb. Rev. Stat. §§ 87- 301 to -306 (2008).		-Statute lists prohibited "deceptive trade" practices which includes inter alia	Triple 7 Inc. v. Intervet, Inc., 338 F. Supp. 2d 1082, 1087 (D. Neb. 2004)	Neb. Rev. Stat § 87- 303.10				Attorney fees may be recovered, if the was a willful engagement in deceptive act. <i>Id.</i>
		-Represents the quality of goods or if they are of another quality. -False or misleading statements concerning of price reductions.						
		Neb. Rev. Stat. §§ 87- 301 to 306.						

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NEVADA	Yes.	Nev. Rev. Stat. Ann. § 41.600.	No.	Any "victim of consumer fraud" may bring action where "consumer fraud" defined to include deceptive acts and trade practices.	3 years. [A]ction upon liability created by statute" may only be commenced" within 3 years.	Yes.	Requires defendant "knowingly make" a "false representation in a transaction."	Actual damages. No multiplier. Nev. Rev. Stat. Ann. § 41.600.
Deceptive Trade Practices Act Nev. Rev. Stat. Ann. § 598.0903-.0999 (West 2008).	Statute lists prohibited "deceptive trade practices" which include, inter alia: - knowingly making a false representation as to the characteristics of goods or services. -makes false or misleading statement regarding price reductions.	Nev. Rev. Stat. Ann. § 41.600.	Nev. Rev. Stat. Ann. § 11.190(3a), § 41.600(1).	Nev. Rev. Stat. Ann. § 41.600.	Neither case law nor statute expressly addresses when a claim under the statute must be "commenced" or whether the discovery rule is applicable to claims brought under the statute.		Nev. Rev. Stat. Ann. §§ 598.0915, 598.0923.	Elderly or disabled may claim punitive damages. Nev. Rev. Stat. Ann. § 598.0977.

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NEW HAMPSHIRE	Yes.	Yes.	N.H. Rev. Stat. Ann. §§ 358-A:10, 358-A:10-a. N.H. Rev. Stat. Ann. § 358-A:1 to 13 (2008).	No.	Any "person" who is injured may bring suit. N.H. Rev. Stat. Ann. § 358-A:10(1). Person is defined broadly and includes sellers and competitors. Pacamor Bearings Inc. v. Minchea Co., 918 F. Supp. 491 504 (D.N.H. 1996); Milford Lumber Co. v. RCB Realty, 80 A.2d 1259, 1260-62 (N.H. 2001).	Transactions entered into "more than 3 years prior to the time the plaintiff knew, or reasonably should have known, of the conduct alleged to be in violation" of the statute are exempted from the statute. N.H. Rev. Stat. Ann. § 358-A:3-IV-a. Discovery rule does not apply. Catucci v. Lewis, 665 A.2d 378, 379 (N.H. 1995).	Yes.	"The objectionable conduct must attain a level of rascality that would raise an eyebrow of someone injured to the rough and tumble of commerce."

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NEW JERSEY	Yes.	Yes.	No, but must be in connection with a consumer oriented transaction.	Action shall be commenced within 6 years next after the cause of any such action shall have accrued.	Any person who suffers ascertainable loss of money or property "as a result of" unlawful acts may bring an action.	Reliance not required.	Liability for affirmative misrepresentations requires no knowledge of the falsity of the misrepresentation, negligence, or the intent to deceive.	Actual damages. N.J. Stat. Ann. § 56:8-19.

Consumer Fraud Act
N.J. Stat. Ann. §§ 56:8-1, et seq. (West 2008).
Statute does not list unlawful acts but rather provides that:

"The act, use . . . by any person of any unconscientious commercial practice, deception, fraud . . . misrepresentation, or the knowing, concealment . . . of any material fact with intent that others rely upon such concealment . . . whether or not any person has in fact been misled, deceived or damaged thereby, is declared to be an unlawful practice."

N.J. Stat. Ann. § 56:8-19.

Weinberg v. Sprint Corp., 801 A.2d at 290-292 (N.J. 2002).

Must file notice of claim with State Attorney General 10 days after filing of action.

N.J. Stat. Ann. § 56:8-20.

Indirect consumers do not have standing to bring an action under this law. Island Mortgage of N.J. v. 3M, 860 A.2d 1013, 1017-18 (N.J. Super. Ct. Law Div. 2004) (following the reasoning in Illinois Brick to find the indirect purchasers did not have standing).

N.J. Stat. Ann. § 56:8-2.

Any "person" who is injured may bring action.

N.J. Stat. Ann. § 56:8-19.

Act does not apply solely to goods purchased for home or personal use.

Persons who buy for commercial use have standing.

Ravely v. Herbalife Int'l of Am., 820 A.2d 677, 681-82 (N.J. Super. Ct. App. Div. 2003).

Character of the wrongful act not the identity of the plaintiff, controls — must be a consumer-oriented transaction to have standing.

Bracco Diagnostics, Inc. v. Bergen Bruswig Drug Co., 226 F. Supp. 2d 557, 560 (D.N.J. 2002) (noting that corporation may qualify under the statute as a plaintiff as long as transaction is "consumer-oriented").

Action shall be commenced within 6 years next after the cause of any such action shall have accrued.

N.J. Stat. Ann. § 2A:14-1; Mitra v. Holland Am. Line, 751 A.2d 138, 139 (N.J. Super. Ct. App. Div. 2000).

Discovery rule applies. Cause of action "accrues" under the statute when the plaintiff "discovers" or through the exercise of reasonable diligence should have discovered the injury.

Sangemino v. Money Mailer, No. 96-3845, 1997 WL 452208, at *4 (D.N.J. July 25, 1997).

"While reliance need not be proven under the NJCFA, plaintiffs must demonstrate that each class member read one or more of the advertisements upon which plaintiffs rely and that one or more of the false advertising and material factual concealments which they allege were contained therein constituted a proximate cause of 'an ascertainable loss' of money or property."

Fink v. Ricoh Corp., 839 A.2d 942, 958 (N.J. Super. Ct. Law Div. 2003).

Gennari v. Realtors, 691 A.2d 350, 366 (N.J. 1997).

While reliance need not be proven under the NJCFA, plaintiffs must show that the defendant acted with knowledge," and intent that plaintiff rely upon the omission.

N.J. Stat. Ann. § 56:8-2.

Gennari, 691 A.2d at 365.

But, for omissions, "the plaintiff must show that the defendant acted with knowledge," and intent that plaintiff rely upon the omission.

N.J. Stat. Ann. § 56:8-2.

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NEW MEXICO	Yes.	N.M. Stat. Ann. § 57-12-10.	Any "person" who suffers a loss or is likely to suffer a loss may bring action. N.M. Stat. Ann. § 57-12-10(A), (B).	4 years.	Yes, if seeking actual damages Any person who suffers a loss of money or property "as a result of" unlawful acts may bring an action.	No. Reliance not required.	Need not be intentionally made, but defendant must know or should know that representation is false.	Actual damages. N.M. Stat. Ann. § 57-12-10(B). Discretionary treble damages if willful violation. <i>Id.</i>

STATE/LAW AUTHORITY	PRIVATE ACTION ALLOWED?	CLASS ACTION ALLOWED?	CONSUMER REQUIREMENT?	STATUTE OF LIMITATIONS	CAUSATION & INJURY?	RELIANCE?	SCIENTER & LEVEL OF INTENT	DAMAGES
NEW YORK	Yes.	Yes.	No.	3 years.	Yes.	No.	Intent to defraud is not an element of a claim under the statute.	Actual damages. N.Y. Gen. Bus. Law § 349(h).
Consumer Protection from Deceptive Acts and Practices	N.Y. Gen. Bus. Law § 349(h).	N.Y. Gen. Bus. Law § 349(h).	Any "person" may bring action.	Action to "recover upon a liability . . . created or imposed by statute" "must be commenced within three years."	Plaintiff must have suffered injury "as a result of the deceptive act."	Reliance not required.	Discretionary treble damages for willful or knowing violations.	N.Y. Gen. Bus. Law § 349(h).
N.Y. Gen. Bus. Law §§ 349 to 530-i-1 (McKinney 2008). ⁴	Small v. Lorillard Tobacco Co., 679 N.Y.S.2d 593 (N.Y. App. Div. 1998).	Small, 679 N.Y.S.2d at 593 (N.Y. App. Div. 1998).	Hart v. Moore, 587 N.Y.S.2d 477, 479 (N.Y. Sup. Ct. 1992).	N.Y. C.P.L.R. 214(2)	Stutman, 731 N.E. 2d at 611-612. ("[A]s we have repeatedly stated, reliance is not an element.")	Stutman, 731 N.E. 2d at 612.	Oswego, 647 N.E.2d at 741.	Oswego, 647 N.E.2d at 741.
Statute does not list unlawful acts but rather provides that:	"Deceptive acts or practices in the conduct of any business, trade or commerce or in the furnishing of any service in this state are hereby declared unlawful."			But, plaintiff must prove that the challenged act was "consumer-oriented."	Gaidon v. Guardian Life Ins. Co. of Am., 750 N.E.2d 1078, 1082 (N.Y. 2001).	Discovery rule does not apply to claims brought under § 349.	Wender v. Gilbert Agency, 716 N.Y.S.2d 40, 41-42 (N.Y. App. Div. 2000) (holding that claims under General Business Law § 349 the discovery rule is not applicable and cannot serve to extend the limitations period).	Wender v. Gilbert Agency, 716 N.Y.S.2d 40, 41-42 (N.Y. App. Div. 2000).
	Does not include unfair competition within this act.	N.Y. Gen. Bus. Law § 349(a)	Leider v. Felt, 387 F. Supp.2d 283, 295 (S.D.N.Y. 2005).	Oswege Laborers' Local 214 Pension Fund v. Marine Midland Bank, N.A., 647 N.E.2d 741, 744 (N.Y. 1992).				

⁴ While Plaintiffs state a claim only under New York's Consumer Protection from Deceptive Acts and Practices law, New York law contains several consumer protection statutes, the provisions of which could be implicated by Plaintiffs' claims. See, e.g., N.Y. Gen. Bus Law § 350.

STATE/LAW AUTHORITY	PRIVATE ACTION ALLOWED?	CLASS ACTION ALLOWED?	CONSUMER REQUIREMENT?	STATUTE OF LIMITATIONS	CAUSATION & INJURY?	RELIANCE?	SCIENTER & LEVEL OF INTENT	DAMAGES	
NORTH CAROLINA Municipalities, Trusts & Consumer Protection N.C. Gen. Stat. Ann. § 75-16. N.C. Gen. Stat. Ann. § 75-1 to -42 (West 2007). Statute does not list unlawful acts but rather provides that: “Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are declared unlawful.” N.C. Gen. Stat. Ann. § 75-1.1(a).	Yes.	Yes.	Complicated.	4 years.	Action under statute is “barred unless commenced within four years after the cause of action accrues.” Olivetti Corp. v. Ames Bus. Sys., Inc., 344 S.E.2d 82, 94-95 (N.C. Ct. App. 1986), <i>aff’d in part on other grounds</i> , 356 S.E.2d 578 (N.C. 1987). But, for a business to have standing under the statute, it must be a competitor of or have commercial dealings with the defendant.	Misrepresentations must have “proximately caused actual injury to the plaintiff.” Excel Staffing Serv., Inc. v. HP Reidsville, Inc., 616 S.E.2d 349, 355 (N.C. Ct. App. 2005). But, discovery rule applies to claims brought under the statute that are based on fraud where cause of action accrues when the plaintiff “discovers” or should have discovered through the exercise of reasonable diligence the fraud.	Reliance required. A plaintiff must show that he detrimentally relied upon a deceptive statement or misrepresentation.	“That defendants may have made these misrepresentations negligently and in good faith, in ignorance of their falsity, and without intent to mislead, affords no defense to an action under [the statute].” Hoverton v. Arm Helmet, Ltd., 581 S.E.2d 816, 830 (N.C. Ct. App. 2003). “Intent of actor is irrelevant.” Excel, 616 S.E.2d at 355.	Actual damages with mandatory treble damages. N.C. Gen. Stat. Ann. § 75-16. Discretionary.

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NORTH DAKOTA	Yes.	Yes.	N.D. Cent. Code § 51-15-09. N.D. Cent. Code §§ 51-15-01 to -1 (2007). Statute does not list unlawful acts but rather provides that: “The act [or] use [] by any person or any deceptive act or practice, fraud . . . or misrepresentation, with the intent that others rely thereon in connection with the sale or advertisement of any merchandise, whether or not any person has in fact been misled, deceived, or damaged thereby, is declared to be an unlawful practice.”	N.D. Cent. Code § 51-15-09. N.D. Cent. Code § 51-15-09. N.D. Cent. Code § 51-15-02.	6 years. An action “upon a liability created by a statute” must be “commenced within six years after the claim for relief has accrued.” N.D. Cent. Code § 51-15-09. Actions not limited to “consumers” or “consumer transactions.”	Yes. Plaintiff may only sue a “person who has acquired” money or property “by means of” an unlawful practice. N.D. Cent. Code § 51-15-09. Jorgenson v. Agway, Inc., 627 N.W.2d 391, 394 (N.D. 2001).	No. Reliance not required. The statute only requires that defendant intended that plaintiff rely. N.D. Cent. Code § 51-15-02.	Actual damages. N.D. Cent. Code § 51-15-09. If conduct was “knowing” treble damages and attorney’s fees allowed at court’s discretion. N.D. Cent. Code § 51-15-09.

⁵ While Plaintiffs state a claim only under North Dakota’s Unlawful Sales or Advertising Practices², Plaintiff’s claims. See, e.g., N.D. Cent. Code §§ 51-12-01 to -15.

STATE/LAWYAL AUTHORITY	PRIVATE ACTION ALLOWED?	CLASS ACTION ALLOWED?	CONSUMER REQUIREMENT?	STATUTE OF LIMITATIONS	CAUSATION & INJURY?	RELIANCE?	SCIENTER & LEVEL OF INTENT	DAMAGES
OHIO Unfair or Deceptive Consumer Sales Practices Ohio Rev. Code Ann. §§ 1345.01-.13 (West 2008). Statute Generally prohibits the commission of "an unfair or deceptive act or practice in connection with a consumer transaction," and further lists specific prohibited acts such as, <i>inter alia</i> :	Yes.	Ohio Rev. Code Ann. § 1345.09.	Only a "consumer" may bring an action. "Consumer" defined as any person engaged in a "consumer transaction" which means a transaction involving goods or services for "purposes that are primarily for personal, family, or household" use.	Action under statute "may not be brought more than two years after the occurrence of the violation which is the subject of suit, or more than one year after the termination of proceedings by the attorney general with respect to the violation, whichever is later."	No. Deceptive act or practice need only be "in connection with" a consumer transaction.	Yes. Reliance required, but can be proven by inference for a class action.	"Intent to deceive is not an element required for a violation of the deceptive-practices portion of the act."	In individual action, actual damages or rescission. Ohio Rev. Code Ann. § 1345.99(A).

STATE/LEGAL AUTHORITY	PRIVATE ACTION ALLOWED?	CLASS ACTION ALLOWED?	CONSUMER REQUIREMENT	STATUTE OF LIMITATIONS	CAUSATION & INJURY?	RELIANCE?	SCIENCIER & LEVEL OF INTENT	DAMAGES
OKLAHOMA Oklahoma Consumer Protection Act, Okla. Stat. Ann. tit. 15, § 751-799 (West 2008). Statute lists prohibited "unlawful practices" which include, inter alia: - representing that the subject of the transaction is of a particular standard when it is of another; or - false or misleading statement regarding price reductions. - committing a "deceptive or "unfair" trade practice which is defined as misrepresentation, omission or other practice that has deceived or could reasonably be expected to deceive another to their detriment.	Yes, but indirect purchaser suits arising out of antitrust claims not permitted.	Yes.	Must be an "agrieved consumer" and must be in connection with a "consumer transaction" defined as one for purposes of "personal, household or business oriented."	Action may only be brought within 3 years after the cause of action accrues.	There must be an injury and the unlawful practice must have caused the plaintiff's injuries.	Reliance not required.	The statute requires the defendant to knowingly commit the deceptive or unfair act, but case law has not always followed that.	Actual damages. No multiplicity. Okla. Stat. Ann. tit. 15, § 761.1(A).

STATE/LEGAL AUTHORITY	PRIVATE ACTION ALLOWED?	CLASS ACTION ALLOWED?	CONSUMER REQUIREMENT?	STATUTE OF LIMITATIONS	CAUSATION & INJURY?	RELIANCE?	SCIENTER & LEVEL OF INTENT?	DAMAGES
OREGON	Yes.	Or. Rev. Stat. Ann. § 646.638(1).	Yes.	"Actions brought under this section shall be commenced within one year from the discovery of the unlawful method, act or practice."	Yes.	Unclear	Must be a "willful" unlawful act.	Greater of \$200 or actual damages. No multiplier.
Unlawful Trade Practices Act	Or. Rev. Stat. Ann. § 646.605-52 (West 2007).	Upon commencement of an action, plaintiff must mail a copy of the complaint to the state attorney general.	Must be a "consumer" to bring action under statute which does not include business competitors.	Ascertenable loss must be "as a result of willful use or employment" of an unlawful act or practice.	Reliance required.	Or. Rev. Stat. Ann. § 646.638(1).	Or. Rev. Stat. Ann. § 646.638(1).	Or. Rev. Stat. Ann. § 646.638(1).
Statute lists prohibited "unlawful practices" which include, inter alia:	- representing that goods or services are of a particular standard or quality if they are of another; or	GraffonNET, Inc. v. Embark.com, Inc., 230 F. Supp. 2d 1167, 1174 (D. Or. 2000).	Period is tolled if the attorney general brings an action.	Or. Rev. Stat. Ann. § 646.638(1).	Or. Rev. Stat. Ann. § 646.605(10). <i>But see Sanders v. Francois, 561 P.2d 1003, 1006 (Or. 1977)</i>	Or. Rev. Stat. Ann. § 646.605(10).	Or. Rev. Stat. Ann. § 646.638(3).	No attorneys' fees allowed in class actions.
	-false or misleading statement regarding the price reductions.	Graham v. Kold Kist Beverage Ice, Inc., 607 P.2d 759, 760-61 (Or. Ct. App. 1999).	Punitive damages may be awarded by court or jury to prevailing plaintiff.	Or. Rev. Stat. Ann. § 646.638(1).	Or. Rev. Stat. Ann. § 646.638(4).	Or. Rev. Stat. Ann. § 646.638(1).	Or. Rev. Stat. Ann. § 646.638(1).	Punitive damages may be awarded by court or jury to prevailing plaintiff.
	- engaging in any unfair or deceptive conduct in trade or commerce (but only after the AG declares the conduct to fall in this category)	(Or. Rev. Stat. Ann. § 646.608(4).)	Or. Rev. Stat. Ann. § 646.608.	Or. Rev. Stat. Ann. § 646.608.	Or. Rev. Stat. Ann. § 646.638(1).	Or. Rev. Stat. Ann. § 646.638(1).	Or. Rev. Stat. Ann. § 646.638(1).	Or. Rev. Stat. Ann. § 646.638(1).

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PENNSYLVANIA	Yes.	Yes.	Yes.	Action "must be commenced within six years."	Must prove ascertainable loss "as a result of" any false or deceptive act.	Yes.	Unclear.	Greater of \$100 or actual damages.
Unfair Trade Practices & Consumer Protection Law, 73 Pa. Cons. Stat. §§ 201-1 to -6 (2007).	73 Pa. Cons. Stat. § 201-9.2.	DilLucido v. Terminix Int'l., Inc., 676 A.2d 1237 (Pa. Super. Ct. 1996), abrogated on other grounds by, Toy v. Metro. Life Ins. Co., 928 A.2d 186 (Pa. 2007)	Must be a consumer restricted to those goods and services purchased "primarily for personal family or household purposes."	42 Pa. Cons. Stat. § 5527.	Keller v. Volkswagen, Inc., 733 A.2d 642, 646, n.9 (Pa. Super. Ct. 1999); Gabriel v. O'Hara, 534 A.2d 488, 495 (Pa. Super. Ct. 1987) (holding that claims under statute fall under the "catch-all" six-year limitations period).	73 Pa. Cons. Stat. § 201-9.2(a).	Pennsylvania Supreme Court has held that a private plaintiff must show justifiable reliance to state a valid claim.	73 Pa. Cons. Stat. § 201-9.2(a).
Statute lists prohibited "deceptive acts or practices" which include, inter alia:	- representing that goods or services are of a particular standard or quality if they are of another;	- advertising goods or services with intent not to sell them as advertised; or	- engaging in any other fraudulent or deceptive conduct which creates a likelihood of confusion or of misunderstanding.	73 Pa. Cons. Stat. § 201-2(4).	(Pennsylvania courts have distinguished purchases made for business reasons, which are not actionable, from those made for "Personal, family or household use." (citations omitted)).	It does not include those who indirectly benefit from a purchase.	Gemini Physical Therapy & Rehab, Inc. v. State Farm Mut. Auto Ins. Co., 40 F.3d 63, 65 (3d Cir. 1994).	Pennsylvania appellate courts have held that common law fraud elements such as "scienter" are required to state a valid claim.

STATE/LEGAL AUTHORITY	PRIVATE ACTION ALLOWED?	CLASS ACTION ALLOWED?	CONSUMER REQUIREMENT?	STATUTE OF LIMITATIONS	CAUSATION & INJURY?	RELIANCE?	SCIENTER & LEVEL OF INTENT	DAMAGES
RHODE ISLAND	Yes.	Yes.	R.I. Gen. Laws § 6-13.1-5.2(a), (b).	Depends on nature of the cause of action	Yes.	No. Only must show that confusion is likely to occur.	No law.	Greater of \$200 or actual damages. No multiplier.
Unfair Trade Practice & Consumer Protection Act.				Kennedy v. Acura, No. 01-4063, 2002 WL 31331373, at *6 (R.I. Super. Aug. 28, 2002) (in deceptive trade practices actions, courts must look to limitations period of the most analogous cause of action); Paul v. City of Woonsocket, 745 A.2d 169 (R.I. 2000) (same).	Ascertamable loss must be "as a result of the use or employment . . . of" an unlawful act or practice.	R.I. Gen. Laws § 6-13.1-5.2(a).	R.I. Gen. Laws § 6-13.1-5.2 (a).	Punitive damages recoverable at court's discretion for individual only and only for level that approaches criminality.
R.I. Gen. Laws § 6-13.1-1 to -28 (2007).			Statute lists prohibited "deceptive acts or practices" which include, inter alia:	R.I. Gen. Laws § 6-13.1-5.2.	Scully Signal Co. v. Joyal, 881 F. Supp. 727, 741 (D.R.I. 1995) (noting that corporation or business entities may not bring discovery rule does not apply).	See Swiss v. Eli Lilly & Co., 559 F. ERIMax Entmt, Inc. v. Streisand, 690 A.2d 1351, 1354 (R.I. 1999); see also R.I. Laborer's Health & Welfare Fund v. Philip Morris, Inc., 99 F. Supp. 2d 174, 198-99 (D.R.I. 2000) (employee benefit fund did not have standing to bring consumer fraud suit since it was not consumer of the goods).	R.I. Gen. Laws § 6-13.1-5.2 (a).	Discretionary reasonable attorney fees to prevailing plaintiff.
			- representing that goods or services are of a particular standard or quality if they are of another;			R.I. Gen. Laws § 6-13.1-5.2 (d).		
			-engaging in any act or practice that is unfair or deceptive to the consumer					
			-false of misleading statement regarding price reductions					
			- using any other methods, acts or practices which mislead or deceive members of the public in a material respect.					
			R.I. Gen. Laws § 6-13.1-1(6).	Construe this act in accordance with the FTC				
			R.I. Gen. Laws § 6-13.1-3.					

STATE/LEGAL AUTHORITY	PRIVATE ACTION ALLOWED?	CLASS ACTION ALLOWED?	CONSUMER REQUIREMENT?	STATUTE OF LIMITATIONS	CAUSATION & INJURY?	RELIANCE?	SCIENTER & LEVEL OF INTENT?	DAMAGES
SOUTH CAROLINA	Yes.	S.C. Code Ann. § 39-5-140(f).	No.	Any "person" who suffers ascertainable loss may bring suit. S.C. Code Ann. § 39-5-140(a). No class action permitted.	"No action may be brought under [statute] more than three years after discovery of the unlawful conduct which is the subject of the suit."	Yes.	No law.	Actual damages. S.C. Code Ann. § 39-5-140(a). But, must be willful for treble damages. Haley Nursery, 381 S.E.2d at 909. <i>Id.</i>

STATE/LEGAL AUTHORITY	PRIVATE ACTION ALLOWED?	CLASS ACTION ALLOWED?	CONSUMER REQUIREMENT?	STATUTE OF LIMITATIONS	CAUSATION & INJURY?	RELIANCE?	SCIENTER & LEVEL OF INTENT	DAMAGES
SOUTH DAKOTA	Yes.	Yes.	No.	2 years.	Yes.	Unclear.	A deceptive act is a "knowing[] and intentional[]", deceptive act or misrepresentation.	Actual damages only. No multiplier. S.D. Codified Laws § 37-24-31.
Deceptive Trade Practices and Consumer Protection §§ 37-24-1 to -48 (2007).	S.D. Codified Laws § 37-24-31.	S.D. Codified Laws § 37-24-31.	Any "person" may bring action.	"No action under [the statute] may be brought more than two years after the occurrence or discovery of the conduct which is subject of the action."	Causation link between injury and act required.	Reliance required.	Nw. Pub. Serv., 236 F. Supp. 2d at 973-974 (holding that consumer protection claim requires "proof of an intentional misrepresentation or concealment of a fact on which plaintiff relied").	Nw. Pub. Serv., 236 F. Supp. 2d at 973-974 (holding that consumer protection claim requires "proof of an intentional misrepresentation or concealment of a fact on which plaintiff relied").
Statute generally prohibits the knowing and intentional use of "any deceptive act or practice, fraud . . . or misrepresentation or to conceal . . . any material fact in connection with the sale or advertisement of any merchandise, regardless of whether any person has in fact been misled, deceived, or damaged," and further lists specific prohibited acts such as, <i>inter alia</i> :				S.D. Codified Laws § 37-24-33.	But, it is a deceptive act "regardless of whether any person has in fact been misled."	S.D. Codified Laws § 37-24-31.	S.D. Codified Laws § 37-24-31.	Wyman v. Terry Schulte Chevrolet, Inc., 584 N.W.2d 103, 107 (S.D. 1998) (holding no punitive damages under statute).

STATE/LEGAL AUTHORITY	PRIVATE ACTION ALLOWED?	CLASS ACTION ALLOWED?	CONSUMER REQUIREMENT?	STATUTE OF LIMITATIONS	CAUSATION & INJURY?	RELIANCE?	SCIENTER & LEVEL OF INTENT	DAMAGES
TENNESSEE	Yes.	Probably.	No.	1 year with 5 year repose.	Action "shall be brought within one (1) year from a person's discovery of the unlawful act or practice, but in no event shall an action under [the statute] be brought more than five (5) years after the date of the consumer transaction giving rise to the claim for relief."	Requires an "ascertainable loss . . . as a result of the use or employment . . . of an unfair or deceptive act or practice."	Unfair or deceptive act "need not be willful or knowingly made to recover actual damages."	Actual damages. Tenn. Code Ann. § 47-18-109(a)(1). Discretionary treble damages if "willful" or "knowing" violation where statute sets forth specific factors for court to consider in determining whether treble damages appropriate.

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TEXAS	Yes with a pre-suit demand requirement	Tex. Bus. & Com. Code §17.50.	Yes.	2 years.	Yes.	Partially.	Intent to misrepresent or knowledge of falsity not required unless specific provision of the statute requires otherwise.	Actual damages for economic loss. Tex. Bus. & Com. Code §17.50(b).
Deceptive Trade Practices - Consumer Protection Act, Tex. Bus. & Com. Code § 17.41-63 (Vernon 2007).	Tex. Bus. & Com. Code §17.505.	Mahoney v. Cupp, 638 S.W.2d at 261.	A "consumer" may be a "consumer" purchased or leased goods or services which form the basis for the complaint.	Action "must be commenced within two years after the date on which the false, misleading, or deceptive act or practice occurred or within two years after the consumer discovered or in the exercise of reasonable diligence should have discovered the occurrence of the false, misleading, or deceptive act or practice. The period of limitation . . . may be extended for a period of 180 days if the plaintiff proves that failure timely to commence the action was caused by the defendants knowingly engaging in conduct solely calculated to induce the plaintiff to refrain from or postpone the commencement of the action."	Act on practice must be a "producing cause" of damages. Tex. Bus. & Com. Code §17.50(a).	Reliance required where plaintiff must show he detrimentally relied on act.	Reliance required where plaintiff must show he detrimentally relied on act.	Tex. Bus. & Com. Code §17.50(b).
Statute generally prohibits "false, misleading, or deceptive acts or practices in the conduct of any trade or commerce."	Pre-suit notice letter, including specific allegations and all damages sought, required at least 60 days before the complaint is filed.	Tex. Bus. & Com. Code § 17.46(a)	Tex. Bus. & Com. Code § 17.505.	Definition of "consumer" excludes "business consumers" with assets of more than \$25 million or that are owned by an entity with assets of \$25 million or more.	Tex. Bus. & Com. Code § 17.45(4).	"If the misrepresentation did not induce the customer to enter into the contract, there can be no recovery." <i>Candinen Mach. & Tool, Inc. v. Cascade Co.</i> , 870 S.W.2d 304, 311 (Tex. App. 1993).	No need to prove reliance, but reliance is a factor in determining if a defendant's conduct was the producing cause of the damages.	Plaintiff may recover treble damages as found by the trier of fact.
Tex. Bus. & Com. Code § 17.46(g)	Private actions by consumers are limited to the enumerated acts.	Tex. Bus. & Com. Code § 17.46(d).	Each party has right to compel "mediation" 90 days after commencement of the action.	Tex. Bus. & Com. Code § 17.5051.	Tex. Bus. & Com. Code § 17.505.	Tex. Bus. & Com. Code § 17.505.	Tex. Bus. & Com. Code § 17.50(b).	Tex. Bus. & Com. Code §17.50(a).
Tex. Bus. & Com. Code § 17.46.	- representing that goods or services are of a particular quality or standard if they are of another; or - making false or misleading statements concerning price reductions.	If filing class action, must send notice to the Texas Consumer Protection Division.	Tex. Bus. & Com. Code § 17.501.	Texas Soil Recycling, Inc. v. Intercargo Ins. Co., 273 F.3d 644 (6th Cir. 2001) (Discovery Rule is codified).	Texas Soil Recycling, Inc. v. Intercargo Ins. Co., 273 F.3d 644 (6th Cir. 2001) (Discovery Rule is codified).	Mandatory attorney fees to the prevailing plaintiff.	Mandatory attorney fees to the prevailing plaintiff.	Tex. Bus. & Com. Code § 17.50(d).
Indirect purchasers are barred from bringing antitrust claims under the consumer protection act.	Abbot Labs., Inc. v. Segura, 907 S.W. 2d 503, 505-06 (Tex. 1995).							

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UTAH	Yes.	Utah Code Ann. § 13-11-19(1).	Yes.	Utah Code Ann. § 13-11-19(3), (4). Upon commencement of a class action, the representative must serve the State with a copy of the complaint. Utah Code Ann. § 13-11-21(2).	Action "must be brought within two years after occurrence of a violation."	Requires plaintiff suffer loss "as a result" of violations of the Act.	Requires "knowing" or intentional deceptive act or practice.	In individual actions, greater of actual damages or \$2,000. No multiplier and no punitive damages.
Utah Consumer Sales Practices Act, Utah Code Ann. § 13-11-1 to -23 (West 2007).	Statute states generally that "[a]l deceptive act or practice by a supplier in connection with a consumer transaction" is prohibited, and further, the statute lists specific unlawful acts such as, inter alia:	- indicating that the subject of a transaction is of a particular standard or quality if it is not, or - indicating that a specific price advantage exists if it does not.	But statute is broad enough to allow action by non-consumer if ultimate victims are consumers.	Utah Code Ann. § 13-11-19	Discovery rule likely does not apply unless there is fraudulent concealment.	Utah Code Ann. § 13-11-19(2), (4)(a).	Utah Code Ann. § 13-11-19(2).	Utah Code Ann. § 13-11-19(2).
Utah Code Ann. § 13-11-1 to -23 (West 2007).	Statute states generally that "[a]l deceptive act or practice by a supplier in connection with a consumer transaction" is prohibited, and further, the statute lists specific unlawful acts such as, inter alia:	- indicating that the subject of a transaction is of a particular standard or quality if it is not, or - indicating that a specific price advantage exists if it does not.	An action for damages is only allowed if the specific act was specifically declared to be a violation by the court, or the specific language of the statute prior to the alleged violation.	Utah Code Ann. § 13-11-19	See Utah by Wilkinson v. B & H Auto., 701 F. Supp. 201, 205 (D. Utah 1988) (holding that intermediate supplier had standing to bring action against manufacturer because ultimate deception was on the "consumer").	Wilkinson v. B & H Auto., 701 F. Supp. 201, 205 (D. Utah 1988) (holding that intermediate supplier had standing to bring action against manufacturer because ultimate deception was on the "consumer").	Utah Code Ann. § 13-11-19(5).	Utah Code Ann. § 13-11-19(2).
Utah Code Ann. § 13-11-1 to -23 (West 2007).	Statute states generally that "[a]l deceptive act or practice by a supplier in connection with a consumer transaction" is prohibited, and further, the statute lists specific unlawful acts such as, inter alia:	- indicating that the subject of a transaction is of a particular standard or quality if it is not, or - indicating that a specific price advantage exists if it does not.	Utah Code Ann. § 13-11-19	See Savvy v. Sec. Title Co., 902 P.2d 629, 636 (Utah 1995) (holding that the discovery rule applies in three situations: (1) where it is mandated by statute, (2) where the defendant concealed the facts or misled the claimant and, as a result, the claimant did not become aware of the cause of action until after the limitation period had run, and (3) exceptional circumstances where the application of the general rule would be "irrational or 'unjust'").	See Savvy v. Sec. Title Co., 902 P.2d 629, 636 (Utah 1995) (holding that the discovery rule applies in three situations: (1) where it is mandated by statute, (2) where the defendant concealed the facts or misled the claimant and, as a result, the claimant did not become aware of the cause of action until after the limitation period had run, and (3) exceptional circumstances where the application of the general rule would be "irrational or 'unjust'").	Utah Code Ann. § 13-11-19(4).	Utah Code Ann. § 13-11-19(4).	

STATE/LEGAL AUTHORITY	PRIVATE ACTION ALLOWED?	CLASS ACTION ALLOWED?	CONSUMER REQUIREMENT?	STATUTE OF LIMITATIONS	CAUSATION & INJURY?	RELIANCE?	SCIENTER & LEVEL OF INTENT	DAMAGES
VERMONT	Yes.	Yes.	Only a "consumer" may bring private action.	Action "shall be commenced within six years after the cause of action accrues and not thereafter."	Must show injury "as a result" of the act.	Unclear.	No.	Actual damages. Vt. Stat. Ann. tit. 9, § 2461(b). Plaintiff "may" recover attorneys' fees. Vt. Stat. Ann. tit. 9, § 2461(b).

STATE/LAW AUTHORITY	PRIVATE ACTION ALLOWED?	CLASS ACTION ALLOWED?	CONSUMER REQUIREMENT	STATUTE OF LIMITATIONS	CAUSATION & INJURY?	RELIANCE?	SCIENTER & LEVEL OF INTENT	DAMAGES
VIRGINIA	Yes.	Yes.	Va. Code Ann. § 59.1-204(A).	Any "person" who suffers loss may bring action but alleged fraudulent practice must be in connection with a "consumer transaction."	Action "shall be commenced within two years after [] accrual."	Requires a "loss as the result of a violation" of the statute.	Misrepresentation by omission of a material fact requires evidence of a "knowing and deliberate decision" to conceal the fact.	Greater of actual damages or \$500 which includes emotional distress.
	Virginia Consumer Protection Act of 1977, Va. Code Ann. § 59.1-196 to -207 (West 2008).	Statute lists prohibited "practices" which include, <i>inter alia</i> :	- misrepresenting that goods or services have certain characteristics; - statements regarding price reductions - using any other deception, fraud, or misrepresentation in connection with a consumer transaction.	Va. Code Ann. §§ 59.1-200, 59.1-204.	Action "accrues" on the date that the act is discovered or reasonably should have been discovered.	Va. Code Ann. § 8.01-249.	Lambert v. Downtown Garage, Inc., 553 S.E.2d at 714, 717 (Va. 2001).	Va. Code Ann. § 59.1-204(A). Va. Code Ann. § 59.1-204(A). Va. Code Ann. § 59.1-204.

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WASHINGTON	Yes.	Yes.	No.	4 years.	Yes.	Unclear.	Intent not required “if the alleged deceptive action has the capacity to deceive a substantial portion of the purchasing public.”	Actual damages. Wash. Rev. Code Ann. § 19.86.090.
Consumer Protection Act	Wash. Rev. Code Ann. § 19.86.090.	Smith v. Behr Process Corp., 54 P.3d 665 (Wash. Ct. App. 2002).	Any “person” who is injured may bring action.	Action “shall be forever barred unless commenced within four years after the cause of action accrues.”	A “causal link” must exist “between the unfair or deceptive act and the injury suffered.”	Plaintiff must show that he “relied upon a misrepresentation of fact.”	Reasonable attorney fees are recoverable but only to the extent attorney time was spent on the consumer protection claim and not on other causes of action.	Wash. Rev. Code Ann. § 19.86.090.
	Wash. Rev. Code Ann. § 19.86.090.	Must serve Attorney General with complaint if seeking injunctive relief.	See State Farm Fire & Cas. Co. v. Huynh, 962 P.2d 854, 857 (Wash. Ct. App. 1998) (noting no consumer relationship required to bring an action).	Wash. Rev. Code Ann. § 19.86.120.	Lengang v. Pierce County Med. Bur. Inc., 930 P.2d 388, 296 (Wash. 1997); <i>see also</i> Smith v. Olympic Bank, 693 P.2d 92, 96 (Wash. 1985) (holding that relevant standard is whether defendant’s conduct induced plaintiff to act or refrain from acting).	Robinson v. Avis Rent A Car Sys., Inc., 22 P.3d 818, 823 (Wash. Ct. App. 2001); <i>see also</i> Smith v. Olympic Bank, 693 P.2d 92, 96 (Wash. 1985) (holding that relevant standard is whether defendant’s conduct induced plaintiff to act or refrain from acting).	Huner v. Quincy Farm Chem., Inc., 649 P.2d 828, 831 (Wash. 1982).	Wash. Rev. Code Ann. § 19.86.090.
	§§ 19.86.010-0.920 (West 2008).	Statute does not list unlawful acts but rather provides that: “Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.”	Wash. Rev. Code Ann. § 19.86.095.	But, to state a valid claim must show an impact on the “public interest.”	Hangman Ridge Training Stables, Inc. v. Safeco Title Ins. Co., 719 P.2d 531, 536 (Wash. 1986).	It is unclear if individual reliance is required to prove causation. If it is, a class action may not be appropriate.	Trible damages, at court’s discretion but not to exceed \$10,000.	Travis v. Wash. Horse Breeders Ass’n, 759 P.2d 418, 425 (Wash. 1988) (holding that court must segregate attorney time spent on consumer protection claim).
	Wash. Rev. Code Ann. § 19.86.020.	Indirect purchasers do not have standing Blewett v. Abbott Lab., 938 P.2d 832, 847 (Wash. App. 1997).	Pickett v. Holland Am. Linc-Westours, Inc., 35 P.3d 351, 360 (Wash. 2001).					Wash. Rev. Code Ann. § 19.86.090.

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WEST VIRGINIA	Yes with a pre-suit demand requirement	Yes	Only "consumers" may bring action. <i>Sce W. Va. Code Ann. 46A-6-106.</i>	Action "shall be brought . . . within two years next after the right to bring the same shall have accrued."	"Ascertainable loss" must be "as a result of" illegal practices. <i>W. Va. Code Ann. § 46A-6-106(1).</i>	No.	In false advertising claims, the offending misrepresentation must be made "with intent that others rely upon" it.	Greater of actual damages or \$200. <i>W. Va. Code Ann. § 46A-6-106(2).</i>
General Consumer Protection Act W. Va. Code Ann. §§ 46A-6-101 to -110 (West 2008).	W. Va. Code Ann. 46A-6-106.	Yes.	No action may be brought without informing the defendant in writing by certified mail of the alleged allegation and giving that defendant 20 days from receipt to make a cure offer. - representing that goods or services are of a particular quality or standard if they are of another, - making false or misleading statements of fact concerning price reductions; or - engaging in any other conduct which similarly creates a likelihood of confusion or of misunderstanding.	2 years. <i>Virden v. Altria Group, Inc., 304 F. Supp. 2d 850 (D. W. Va. 2004)</i>	"Deceptive acts prohibited . . . whether or not any person misled or damaged."	Yes.	<i>W. Va. Code Ann. § 46A-6-102(7)(m).</i>	<i>W. Va. Code Ann. § 46A-6-106.</i>

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WISCONSIN	N/A since not a consumer credit action.							

⁶ While Plaintiffs state a claim only under Wisconsin's Consumer Protection Act, Wisconsin law contains several consumer protection statutes, the provisions of which could be implicated by Plaintiffs' claims. See, e.g., Wis. Stat. Ann. § 100.18.

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WYOMING	Yes with a pre-suit demand requirement	Yes.	A plaintiff who has suffered injury "as a consumer" may bring suit.	"No action may be brought [under the statute] ... unless" brought within "one (1) year after the initial discovery of the unlawful deceptive practice" or "within two (2) years following such consumer transaction, whichever occurs first."	Plaintiff may recover damages "actually suffered as a consumer as a result of such unlawful trade practices."	Only a "person relying upon an unlawful deceptive trade practice" may bring an action.	Requires that a defendant "knowingly ... engages in unfair or deceptive acts or practices."	Allows only actual damages and reasonable attorneys' fees.